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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/984, 185 12/03/97 HAMANO

K 0057-2209-0

IM62/0708

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EXAMINER

MAPLES, J

ART UNIT	PAPER NUMBER
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5

1745

DATE MAILED:

07/08/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

## Office Action Summary

Application No.	08/984,185	Applicant(s)	HAMANO ET AL
Examiner	JOHN S. MAPLES	Group Art Unit	1745

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

### Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication .
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

### Status

Responsive to communication(s) filed on 4/26/99.

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

### Disposition of Claims

Claim(s) 1-13  are pending in the application.

Of the above claim(s) 8-13  are withdrawn from consideration.

Claim(s) \_\_\_\_\_  is/are allowed.

Claim(s) 1-7  is/are rejected.

Claim(s) \_\_\_\_\_  is/are objected to.

Claim(s) \_\_\_\_\_  are subject to restriction or election requirement.

### Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119 (a)-(d)

Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

### Attachment(s)

Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_  Interview Summary, PTO-413

Notice of References Cited, PTO-892  Notice of Informal Patent Application, PTO-152

Notice of Draftsperson's Patent Drawing Review, PTO-948  Other \_\_\_\_\_

## Office Action Summary

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1. Applicant's election with traverse of Group in Paper No. 4 is acknowledged. The traversal is on the grounds that the office has not shown an adequate reason for maintaining restriction and that a burden exists for searching all of the claims. This is not found persuasive because the product of Group I could indeed be made by the process stated by the examiner. To deposit adhesive on each of the electrodes and then join the separator thereto is a straightforward process, usable by one of ordinary skill in this art. In response to applicant's second concern, each of the two groups are classified in different areas of the Patent Office. The search for one group does not require a search in both subclasses but in only the one designated. In addition, the two groups comprise two materially different statutory groups of invention and hence involve different strategies and analysis in searching and processing the same. Therefore, undue burden exists to process both groups of invention.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 8-13 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Dasgupta et al. (Dasgupta)

Reference is made to column 5, line 62 through column 6, line 22; column 8, lines 46-65 of the patent to Dasgupta along with all of the drawing figures.

5. Applicant is requested to submit copies of any prior art of which they are aware.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John S. Maples whose telephone number is (703) 308-1795. The examiner can normally be reached on Monday-Friday from 6:30 to 4:00. The examiner can also be reached on alternate Wednesdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Maria Nuzzolillo, can be reached on (703) 305-3776. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3599.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

JSM/July 6, 1999

*John Maples*  
JOHN S. MAPLES  
PRIMARY EXAMINER  
GROUP 1745